

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

VICTOR FUQUA,

Defendant-Appellant.

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UNPUBLISHED

December 16, 2003

No. 242325

Wayne Circuit Court

LC No. 01-007165-01

Before: Fitzgerald, P.J., and Neff and White, JJ.

MEMORANDUM.

Defendant was convicted by a jury of malicious destruction of property over \$1,000, MCL 750.377a(1)(b)(i), felon in possession of a firearm, MCL 750.224f, and possession of a firearm during the commission of a felony, MCL 750.227b. He appeals as of right. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

During the early morning hours of April 28, 2001 defendant came to the door of Earline Moore's home and asked to see Moore's daughter Lula Early and Lula Early's fiancé. Moore and Guider testified that defendant was carrying a handgun in his waistband. After defendant was refused admission to the house he damaged two vehicles owned by Lula Early. Lula Early testified that repairs to vehicles cost \$1,300. She stated that she and defendant were once involved in a personal relationship, and were the parents of a child. Defendant testified that he went to the Moore home to visit his infant son. He denied that he was carrying a gun, and denied damaging Lula Early's vehicles.

In reviewing a sufficiency of the evidence question, we view the evidence in a light most favorable to the prosecution to determine whether a rational trier of fact could conclude that the elements of the offense were proven beyond a reasonable doubt. We do not interfere with the jury's role of determining the weight of the evidence or the credibility of witnesses. *People v Wolfe*, 440 Mich 508, 514-515; 489 NW2d 748 (1992), amended 441 Mich 1201 (1992); *People v Milstead*, 250 Mich App 391, 404; 648 NW2d 648 (2002).

A person convicted of a felony may not possess, use, transport, sell, purchase, carry, ship, receive, or distribute a firearm in Michigan until certain specified conditions have been satisfied. MCL 750.224f. The elements of felony-firearm are: (1) the possession of a firearm; (2) during the commission of, or the attempt to commit, a felony. MCL 750.227b.

Defendant argues that the evidence produced at trial was insufficient to support his convictions of felon in possession of a firearm and felony-firearm because the testimony was contradictory in some respects.<sup>1</sup> We disagree. The credibility of the witnesses was for the jury to determine. *Milstead, supra*. The testimony given by Moore and Guider differed in detail; however, the jury was entitled to find from their testimony that defendant was in possession of a gun when he came to the house. *Id.* No evidence showed that defendant discarded the gun and the jury was entitled to infer that defendant possessed the gun when he damaged the cars. *Vaughn, supra; Williams, supra*. The evidence, viewed in a light most favorable to the prosecution, supported defendant's convictions. *Wolfe, supra*.

Affirmed.

/s/ E. Thomas Fitzgerald  
/s/ Janet T. Neff  
/s/ Helene N. White

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<sup>1</sup> Defendant does not challenge the sufficiency of the evidence produced to support his conviction of malicious destruction of property.